

EXHIBIT B

From: Kaufman, Jack <KaufmanJa@SEC.GOV>
Sent: Monday, January 27, 2020 7:14 AM
To: mberkovits@cooley.com
Cc: randall.lee@cooley.com; Johnstone, Chris; Brown, Nancy A
Subject: RE: Notice of Deposition

EXTERNAL SENDER

Michael,

The SEC objects to Mr. Ladd's noticed Rule 30(b)(6) deposition(s) of the SEC for a number of reasons, including relevance and proportionality, and because the information sought is protected by the work product doctrine, deliberative process privilege, and/or attorney-client privilege. Indeed, most Courts that have addressed the issue – including those in the Second Circuit – have granted SEC motions to quash similar Rule 30(b)(6) deposition notices. See *SEC v. Kik Interactive, Inc.*, 19-cv-5244 (AKH) (S.D.N.Y. Oct. 29 and Nov. 12, 2019 Orders); *SEC v. Gennity*, 17-cv-7525 (PKC) (S.D.N.Y. March 20, 2018 Order); *SEC v. Ahmed*, 15-cv-675 (JBA), 2017 WL 1347668 (D. Ct. Apr. 7, 2017); *SEC v. McGinnis*, 14-cv-6, 2015 WL 13505396 (D. Vt. Jan. 13, 2015); *SEC v. The Nir Group, LLC*, 11-cv-4723 (JFB), 2013 WL 5288962 (E.D.N.Y. March 24, 2013); *SEC v. Huff*, 08-cv-60315, 2009 WL 10667889 (S.D. Fla. Sept. 9, 2009); *SEC v. Nacchio*, 614 F.Supp.2d 1164, 1175-78 (D. Col. 2009); *SEC v. SBM Investment Certificates, Inc.*, Civ. No. DKC 2006-0866, 2007 WL 609888, *20-26 (D. Md. Feb. 23, 2007); *SEC v. Buntrock*, No. 02 C 2180, 2004 WL 1470278 (N.D. Ill. June 29, 2004); *SEC v. Rosenfeld*, 97-cv-1467 (RPP), 1997 WL 576021 (S.D.N.Y. Sept. 16, 1997); *SEC v. Morelli*, 143 F.R.D. 42 (S.D.N.Y. 1992).

Please let us know your availability for a meet and confer telephone call regarding this matter after January 29.

Please also let us know when Mr. Ladd intends to complete his document production in this case, and to provide the SEC a privilege log.

Thank you,

-Jack Kaufman

From: Berkovits, Michael <mberkovits@cooley.com>
Sent: Thursday, January 23, 2020 10:53 PM
To: Brown, Nancy A <BrownN@SEC.GOV>; Kaufman, Jack <KaufmanJa@SEC.GOV>
Cc: Lee, Randall R. <randall.lee@cooley.com>; Chris.Johnstone@wilmerhale.com
Subject: RE: Notice of Deposition

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Nancy and Jack,

We are writing with regard to the scheduling of the 30(b)(6) deposition of the SEC. Please let us know what dates you will make your witness or witnesses available, during the weeks of February 24 and March 2.

Michael

Michael J. Berkovits

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From: Berkovits, Michael

Sent: Monday, January 13, 2020 7:43 PM

To: Brown, Nancy A <BrownN@SEC.GOV>; Kaufman, Jack <KaufmanJa@SEC.GOV>

Cc: Lee, Randall R. <randall.lee@cooley.com>; Chris.Johnstone@wilmerhale.com

Subject: Notice of Deposition

Nancy and Jack,

Please see attached.

Thanks,

Michael

Michael J. Berkovits

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